

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JOYCE BRITTINGHAM,  
Plaintiff,

v.

STEVE ABNER, et al.,  
Defendants.

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No. 3:04-CV-593  
(Phillips)

**JUDGMENT ORDER**

For the reasons set forth in the memorandum opinion filed this day with the clerk, the motion to dismiss filed by defendants Steve Abner and Lisa Crumpley [Doc. 14] is **GRANTED**, and this action is **DISMISSED**.

Additionally, pursuant to 28 U.S.C. § 1367(c)(3), plaintiff's claims for assault, outrageous conduct, negligence, infliction of emotional distress, harassment, trespass, and violation of various statutes under Tennessee law will be **DISMISSED, BUT WITHOUT PREJUDICE** to refiling the same in an appropriate state court. Further, pursuant to § 1367(c)(3), defendant Crumpley's counterclaim for personal injuries under state law will also be **DISMISSED, BUT WITHOUT PREJUDICE** to refiling the same in an appropriate state court.

The final pretrial conference scheduled for February 3, 2006, as well as the trial scheduled for February 9, 2006 are **CANCELLED**.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge